

**STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE MINNESOTA ENVIRONMENTAL QUALITY BOARD**

**In the Matter of The Exemption  
Application By Minnesota Power For A  
345/230 kV High Voltage Transmission  
Line Known As The Arrowhead Project  
MEQB Docket No. MP-HVTL-EA-1-99**

**FIRST PREHEARING ORDER**

A prehearing conference was held on December 22, 1999, at 11:00 A.M. at the Midway Town Hall, 3230 Midway Road, Duluth, Minnesota. The purpose of the prehearing conference was to identify and simplify the issues to be determined at the hearing, identify potential intervenors, set a schedule and procedure for the exchange of information, identify potential witnesses including experts, set a schedule for pre-filed testimony and motions, discuss and answer questions regarding public participation, and resolve other procedural matters necessary to prepare for a fair and efficient hearing.

Appearing for the Petitioner, Minnesota Power was Deborah Amberg, Senior Attorney, Minnesota Power, 30 W. Superior Street, Duluth, Minnesota 55802-2093. Appearing for the Minnesota Environmental Quality Board and Staff as a neutral party with the principal objective of developing a complete and accurate record was Dwight Wagenius, Assistant Attorney General, 900 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2127. Appearing for those who identified themselves as potential intervenors were: Brian Elliot, Clean Water Action; George Crocker, North American Water Office; David Muswaggon, Minnesota Nation; Ann Stewart, Dale Lusti, Minnesota Department of Public Service; Kevin Cronin, Wisconsin Public Service Commission attempted to appear by telephone conference call, but was unable to connect due to technical difficulties.

Based upon discussions with counsel, parties and participants the following matters were resolved and constitutes the FIRST PREHEARING ORDER of the Administrative Law Judge. IT IS HERENY ORDERED AS FOLLOWS:

1. Pursuant to The Notice of Public Hearing issued on December 17, 1999, the hearing shall commence on Monday, January 31, 2000 at 1:30 p.m. at the Midway Town Hall, 3230 Midway Road, Duluth, Minnesota. The hearing will adjourn by 5:00 p.m. for a dinner recess and will recommence at 7:00 p.m. at the same location.

The 7:00 p.m. session will give priority to interested members of the public who wish to offer comment or ask questions relevant to the Exemption Application and the identified issues of the hearing. The hearing will adjourn when all interested persons have had an opportunity to be heard. The evidentiary hearing will continue as necessary at 9:00 a.m. on Tuesday, February 1 and Wednesday, February 2, 2000 at the same location. If additional hearing dates are necessary, they will be announced at the hearing on February 2<sup>nd</sup>.

2. The parties have agreed to stipulate to a discovery schedule and notify the ALJ of that schedule. The parties shall submit any discovery problems to the ALJ promptly, either by conference call or written motion. The parties are encouraged to resolve discovery disputes on an informal basis prior to contacting the ALJ.
3. At least one week prior to the hearing, counsel shall exchange proposed exhibit and witness lists. Any proposed witness list shall include a brief description of the anticipated testimony of each witness.
4. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Stipulations shall be reduced to writing and submitted to the ALJ at least one week prior to the hearing.
5. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing consistent with Minn. R. 1400.7000.
6. At least one week prior to the hearing, counsel shall notify the ALJ whether they will require the services of a court reporter at the hearing and whether they are requesting the preparation of a hearing transcript.
7. At least one week prior to the hearing, counsel shall notify the ALJ whether they will require the services of a qualified interpreter at the hearing.
8. This Order may be modified upon reasonable stipulation of the parties and notification to the ALJ or upon written motion for good cause shown.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

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Administrative Law Judge